



**FEDERAL COMMUNICATIONS COMMISSION**

Media Bureau  
Audio Division  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**August 10, 1009**

*In Reply Refer to:*  
1800B3RDH

**VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Ms. Helen Harp  
Larlen Communications, Inc.  
6808 Hanna Lake SE  
Caledonia, MI 49316

Re: WXPZ(FM), Clyde Township, MI  
Facility ID No. 121239  
File Nos. BLED-20080818AAI (License)  
20080818ADH (PTA)  
BMPED-20080715AEX (Modification)

WDPW(FM), Greenville, MI  
Facility ID No. 121790  
File Nos. BLED-20080818ABB (License)  
20080818ADI (PTA)  
BMPED-20061127AHM (Mod)  
BMPED-20080725ADN (Mod)

Dear Permittee:

The Media Bureau is investigating potential statutory and rule violations and related instances of potential misrepresentation and/or lack of candor on the part of Larlen Communications, Inc. (as defined more fully below, the "Permittee"). Specifically, it is alleged that the Permittee has submitted false certifications and lacked candor in filings with the Commission. We direct the Permittee, pursuant to sections 4(i), 4(j), 308(b) and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 308(b), and 403, to provide responses to the following inquiries, within thirty (30) calendar days from the date of this letter. The Permittee may supplement its responses with additional relevant information pursuant to Sections 1.17 and 1.88 of the Commission's Rules.<sup>1</sup>

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<sup>1</sup> 47 C.F.R. §§ 1.17, 1.88.

### Instructions

If the Permittee requests that any information or Documents, as defined herein, responsive to this letter be treated in a confidential manner, it shall submit, along with all responsive information and Documents, a statement in accordance with section 0.459 of the Commission's rules. 47 C.F.R. § 0.459. Requests for confidential treatment must comply with the requirements of section 0.459, including the standards of specificity mandated by section 0.459(b). Accordingly, "blanket" requests for confidentiality of a large set of documents are unacceptable. Pursuant to section 0.459(c), the Bureau will not consider requests that do not comply with the requirements of section 0.459.

If the Permittee withholds any information or Documents under claim of privilege, it shall submit, together with any claim of privilege, a schedule of the items withheld that states, individually as to each such item, the numbered inquiry to which each item responds and the type, title, specific subject matter, and date of the item; the names, addresses, positions, and organizations of all authors and recipients of the item; and the specific ground(s) for claiming that the item is privileged.

Each requested Document, as defined herein, shall be submitted in its entirety, even if only a portion of that Document is responsive to an inquiry made herein, unless the Document is a recording or transcript, in which case it should be provided only for the period of time of the broadcast specified in the pertinent inquiry herein. This means that the Document shall not be edited, cut, or expunged, and shall include all appendices, tables, or other attachments, and all other Documents referred to in the Document or attachments. All written materials necessary to understand any Document responsive to these inquiries must also be submitted.

If a Document responsive to any inquiry made herein existed but is no longer available, or if the Permittee is unable for any reason to produce a Document responsive to any inquiry, identify each such Document by author, recipient, date, title, and specific subject matter, and explain fully why the Document is no longer available or why the Permittee is otherwise unable to produce it.

With respect only to Documents responsive to the specific inquiries made herein and any other Documents relevant to those inquiries, the Permittee is directed to retain the originals of those Documents for twelve (12) months from the date of this letter unless the Permittee is directed or informed by the Media Bureau in writing to retain such Documents for some shorter or longer period of time.

The specific inquiries made herein are continuing in nature. The Permittee is required to produce in the future any and all Documents and information that are responsive to the inquiries made herein but not initially produced at the time, date and place specified herein. In this regard, the Permittee must supplement its responses (a) if the Permittee learns that, in some material respect, the Documents and information initially disclosed were incomplete or incorrect or (b) if additional responsive Documents or information are acquired by or become known to the Permittee after the initial production. The requirement to update the record will continue for twelve (12) months from the date of this letter unless the Permittee is directed or informed by the

Media Bureau in writing that the Permittee's obligation to update the record will continue for some shorter or longer period of time.

For each Document or statement submitted in response to the inquiries below, indicate, by number, to which inquiry it is responsive and identify the person(s) from whose files the Document was retrieved. If any Document is not dated, state the date on which it was prepared. If any Document does not identify its author(s) or recipient(s), state, if known, the name(s) of the author(s) or recipient(s). The Permittee must identify with reasonable specificity all Documents provided in response to these inquiries.

Unless otherwise indicated, the period of time covered by these inquiries is August 17, 2005, to the present.

### Definitions

For purposes of this letter, the following definitions apply:

"Any" shall be construed to include the word "all," and the word "all" shall be construed to include the word "any." Additionally, the word "or" shall be construed to include the word "and," and the word "and" shall be construed to include the word "or." The word "each" shall be construed to include the word "every," and the word "every" shall be construed to include the word "each."

"Broadcast," when used as noun, shall mean any images or audible sounds or language transmitted or disseminated over a station during the course of a television broadcast.

"Broadcast," when used as a verb, shall mean the transmission or dissemination of radio communications intended to be received by the public. The verb "broadcast" may be used interchangeably with the verb "air."

"Document" shall mean the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any taped, recorded, transcribed, written, typed, printed, filmed, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made, including but not limited to any broadcast, radio or television program, advertisement, book, pamphlet, periodical, contract, correspondence, letter, facsimile, e-mail, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, photograph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minutes, marketing plan, research paper, preliminary drafts, or versions of all of the above, and computer material (print-outs, cards, magnetic or electronic tapes, disks and such codes or instructions as will transform such computer materials into easily understandable form).

"Permittee" shall mean Larlen Communications, Inc., and any predecessor-in-interest, affiliate, parent company, wholly or partially owned subsidiary, other affiliated company or business, and all owners, including but not limited to, partners or principals, and all directors, officers, employees, or agents, including consultants and any other persons working for or on behalf of the foregoing at any time during the period covered by this letter.

Inquiries: Documents and Information to be Provided

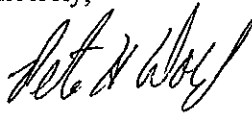
1. State whether the certifications in the WXPZ(FM) license application (file number BLED-20080818AAI), Section II, Question 2, that “all terms, conditions, and obligations set forth in the underlying construction permit have been fully met” and Section III, Item 7, that “[t]he facility was constructed in compliance with all special operating conditions, terms, and obligations described in the construction permit” were true or false.
  - (a) If the answer is “true,” explain the basis for that answer in light of the information contained in Exhibit A.
  - (b) If the answer is “false,” explain the reason(s) for submitting false certifications.
  - (c) Provide a copy of all Documents relating to the construction and operation of WXPZ(FM), including copies of all leases, personnel records, engineering records, the station’s public inspection file, records relating to the preparation and filing of the WXPZ(FM) license application and amendment to that application, invoices, bills, checks written or received, credit card charges, wire transfers or deposits of funds relating to such construction or operation.
2. State whether the certifications in the WDPW(FM) license application (file number BLED-20080818ABB), Section II, Question 2, that “all terms, conditions, and obligations set forth in the underlying construction permit have been fully met” and Section III, Item 7, that “[t]he facility was constructed in compliance with all special operating conditions, terms, and obligations described in the construction permit” were true or false.
  - (a) If the answer is “true,” explain the basis for that answer in light of the information contained in Exhibit B.
  - (b) If the answer is “false,” explain the reason(s) for submitting false certifications.
  - (c) Provide a copy of all Documents relating to the construction and operation of WDPW(FM), including copies of all leases, personnel records, engineering records, the station’s public inspection file, records relating to the preparation and filing of the WDPW(FM) license application and amendments to that application, invoices, bills, checks written or received, credit card charges, wire transfers or deposits of funds relating to such construction or operation.
3. Provide copies of all Documents that provide the basis for or otherwise support the responses to Inquiries 1 and 2, above.

We direct the Permittee to support its response with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of the Permittee with personal knowledge of the representations provided in the Permittee’s response, verifying the truth and accuracy of the information therein and that all of the information and/or recordings requested by this letter which are in the Permittee’s possession, custody, control or knowledge have been produced. If multiple Permittee employees contribute to the response, in addition to such general affidavit or declaration of the authorized officer of the Permittee noted above, if such officer (or

any other affiant or declarant) is relying on the personal knowledge of any other individual, rather than his or her own knowledge, provide separate affidavits or declarations of each such individual with personal knowledge that identify clearly to which responses the affiant or declarant with such personal knowledge is attesting. All such declarations provided must comply with section 1.16 of the Commission's rules, 47 C.F.R. § 1.16, and be substantially in the form set forth therein. To knowingly and willfully make any false statement or conceal any material fact in reply to this inquiry is punishable by fine or imprisonment. *See* 18 U.S.C. § 1001; *see also* 47 C.F.R. § 1.17. Failure to respond appropriately to this Media Bureau letter of inquiry may constitute a violation of the Communications Act and our rules.<sup>2</sup>

The Permittee shall direct its response, if by messenger or hand delivery, to the attention of Roger Holberg, Audio Division, Media Bureau, Federal Communications Commission, c/o NATEK, 9300 East Hampton Drive, Capitol Heights, MD 20743. If sent by mail, the response should be sent to Roger Holberg, Audio Division, Media Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Room 2-A432, Washington, D.C. 20554.

Sincerely,



Peter H. Doyle  
Chief, Audio Division  
Media Bureau

Enclosure (Exhibits A-B)

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<sup>2</sup> *See SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589 (2002); *Globcom, Inc.*, Notice of Apparent Liability for Forfeiture and Order, 18 FCC Rcd 19893, n. 36 (2003); *World Communications Satellite Systems, Inc.*, Forfeiture Order, 19 FCC Rcd 2718 (Enf. Bur. 2004); *Donald W. Kaminski, Jr.*, Forfeiture Order, 18 FCC Rcd 26065 (Enf. Bur. 2003).



FEDERAL COMMUNICATIONS COMMISSION  
ENFORCEMENT BUREAU  
DETROIT OFFICE  
**MEMORANDUM**

TO: James A. Bridgewater

FROM: Patrick G. Patterson

DATE: March 24, 2009

SUBJECT: EB-09-DT-0041 (WXPZ)

On August 20, 2008, the Detroit Office received an email complaint about FM broadcast station WXPZ 90.1 FM, Clyde Township, Michigan. The complaint stated that the station operated for several hours prior to having the antenna removed and the station shutting down. An application for license to cover has been filed and the station does not now exist.

On March 17, 2009, Compliance Specialist, Patrick G. Patterson, and Engineer, Gary W. Westby, monitored 90.1 MHz approximately 9:20 a.m. to 10:45 a.m. in the Allegan /Clyde Township, Michigan areas. No stations were detected operating on 90.1 MHz in the Allegan/Clyde Township Michigan areas. The agents took photographs of a tower ASR (Antenna Structure Registration) 1203336 which where approximate coordinates designated on the license applications for WXPZ, Facility ID number 121239. The ASR has the AGL (Height Above Ground) as 94.5 meters and the application for license of WXPZ AGL ( Height Above ground ) as 82 meters. **There were no FM Broadcast antennas mounted on the tower.** A large field and wooded area surrounds the tower location. The coordinates for ASR 1203336 are N42 34 34.6, W085 55 03.4. The FCC's Garmin model GPSMAP 76S GPS read the tower location to be N42 34 34.8, W085 55 02.8 (NAD 27). The License application data has the tower location at N42 34 34.48 W085 55 3.29. This small discrepancy from the coordinates on the authorizations may be due to the accuracy of the Garmin GPS or possible inaccurate/non-precise submission by WXPZ or combination of both. The attached photo's shows the Tower, the ASR posting and the Antennas on the Tower.

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UNITED STATES GOVERNMENT

# memorandum

DATE: August 28, 2008

TO: James A. Bridgewater, District Director, Detroit Office

FROM: Paul S. Mako, Senior Engineer

SUBJECT: FM Radio Station WDPW, Greenville, MI and collocated WSLI, Belding, MI  
Complaint indicating the stations filed for a license prior to being constructed.

RE: EB-08-DT-0356 (WDPW) and EB-08-DT-0357 (WSLI)

On August 20, 2008, the Detroit Office received an email complaint indicating that FM broadcast station WDPW, Greenville, Michigan had requested program test authority on August 19, 2008 but had not completed tower construction. The complainant indicated that the stacking gin pole was still attached to the tower. The same email also indicated that FM broadcast station WSLI, Belding, Michigan was licensed at the same location as of July 30, 2008 and was likewise not constructed.

On August 26, 2008, Senior Engineer, Paul S. Mako, and Engineer, Gregory S. Cunningham, monitored 91.9 MHz and 90.9 MHz between approximately 11:34 a.m. and 12:54 p.m. in the Greenville/Belding, Michigan areas. No stations were detected operating on 91.9 MHz or 90.9 MHz in the Greenville/Belding Michigan areas. The engineers took photographs of the location with the approximate coordinates designated on the construction permits and license applications for WDPW and WSLI. An approximate 196 foot high tower was constructed with one attached transmission feed line unterminated at approximately the 180 foot height and also unterminated at ground level. There were no antennas mounted on the tower. A large field surrounds the tower location. The antenna construction at the coordinates N43 05 12.00, W085 18 59.00 has not been completed. The FCC's Garmin model GPSMAP 76S GPS read the tower location to be N43 05 12.6, W085 19 00.8 (NAD 27). This small discrepancy from the coordinates on the authorizations may be due to the accuracy of the Garmin GPS or possible inaccurate/non-precise submission by WDPW/WSLI or combination of both. The attached photos shows the tower, the unterminated transmission feed line, the building and what appeared to be a construction trailer at the site. There was no apparent electrical power (i.e. no electrical lines or electric meters were seen) available at the station location indicated in the construction permits/license applications. WDPW and WSLI have not completed construction at the location contained in the construction permits/license applications and were not on the air in the Greenville, Michigan and Belding, Michigan areas respectively.

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